

**JUDGE SULLIVAN**

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Christopher L. Finazzo

v.

Securities and Exchange Commission

**SUMMONS IN A CIVIL ACTION**

CASE NUMBER

**08 CV 02176**

TO: (Name and address of Defendant)

Securities and Exchange Commission  
3 World Financial Center, Suite 4300  
New York, NY 10281

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Robert J. A. Zito, Esq.  
Carter Ledyard & Milburn LLP  
2 Wall Street  
New York, NY 10005

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(By) DEPUTY CLERK

**MAR 04 2008**

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <p>Date _____</p> <p><i>Signature of Server</i></p> <p>Address of Server _____</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Robert J.A. Zito  
Michael Shapiro  
Alan S. Lewis  
Kenneth S. Levine  
Laura Anne Reeds

CARTER LEDYARD & MILBURN LLP  
2 Wall Street  
New York, NY 10005  
Tel: (212) 732-3200  
Fax: (212) 732-3232  
*Attorneys for Plaintiff Christopher Finazzo*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHRISTOPHER L. FINAZZO, :  
Plaintiff, : Case No. 08 CIV 02176 (RJS)  
: .  
: .  
- against - : .  
: .  
: .

SECURITIES AND EXCHANGE :  
COMMISSION, :  
: .  
Defendant. : .

-----X  
STATE OF NEW YORK )  
ss.:  
COUNTY OF NEW YORK )

EDURIN COLON, being duly sworn deposes and says:

1. I am over the age of eighteen years and am not a party to this action. I am employed by the law firm of Carter, Ledyard & Milburn LLP, attorneys for the Plaintiff.
2. On Wednesday, March 5, 2008 at 12:30 P.M., I personally served true and correct copies of the Summons in a Civil Case, Complaint for Declaratory and Injunctive Relief, Civil Cover Sheet and copies of the individual rules of Judge Richard J. Sullivan and Magistrate Henry Pitman upon the United

States Attorney for the Southern District of New York located at 86 Chambers Street, New York, New York, by delivering and leaving said papers with Jeffrey Oestericher, the Chief Deputy, who is a person designated to accept service on behalf of the United States Attorney for the Southern District of New York.

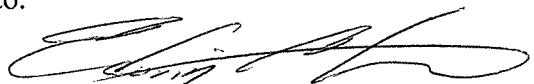
I describe Jeffrey Oestericher as follows: a Caucasian male, approximately 45 years of age, weighing approximately 150 pounds, approximately 5'6" in height, having brown hair and brown eyes.

3. On Wednesday, March 5, 2008 at 12:58 P.M. I mailed true and correct copies of the papers listed in paragraph 2 herein, by placing said papers in two post-paid envelopes addressed:

Attorney General of the United States  
U.S. Department of Justice  
Room B-103  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Securities and Exchange Commission  
New York Regional Office  
3 World Financial Center, Suite 400  
New York, NY 10281-1022  
Attn: Meaghan Cheung, Esq.

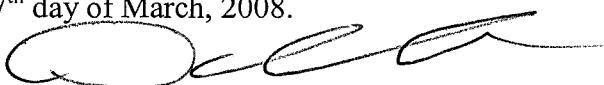
On said day, I deposited said envelopes with a postal clerk at the United States Post Office located at 1 Hanover Street, New York, New York, to be dispatched by certified mail, return receipt requested. The postal receipts for said mailings are attached hereto.



Edurin Colon

Sworn to before me this

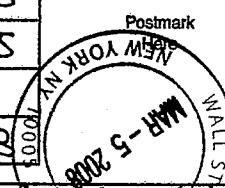
7<sup>th</sup> day of March, 2008.

  
Notary Public.

ANTONIO MALASPINA  
Notary Public, State of New York  
No. 01MA4926741  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires April 18, 2010

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